

**Listing of the Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (original): A hardware pay-per-use system, comprising:

one or more hardware products;

a metering mechanism coupled to at least one of the one or more hardware products, wherein the metering mechanism includes a hardware device separate from the one or more hardware products, wherein the metering mechanism acquires metrics data from the one or more hardware products, the metrics data related to an operation at the one or more hardware products, and wherein the metering mechanism determines data to report on the operation of the one or more hardware products; and

a usage repository coupled to the metering mechanism, the usage repository receiving the determined data and generating usage reports related to the operation of the one or more hardware products.

2. (previously amended): The system of claim 1, further comprising a billing and accounting system, coupled to the usage repository, the billing and accounting system receiving the usage reports, wherein a pay-per-use invoice is determined based on the usage reports.

3. (original): The system of claim 2, further comprising a portal coupled to the usage repository and the billing and accounting system, wherein the portal, comprises:

a usage reports mechanism, wherein the usage reports are displayable;

an invoice presentation mechanism, wherein the invoice is presentable; and

an invoice payment mechanism, wherein a payment on the invoice is receivable.

4. (original): The system of claim 1, wherein the usage repository, comprises:
- a validation server; and
  - a usage database coupled to the validation server, wherein the validation server validates the determined data received at the usage repository and verifies a correct configuration of the one or more hardware products, and wherein the usage database stores the determined data and the usage reports.
5. (original): The system of claim 1, wherein the metering mechanism is a rack-mountable hardware device in a networked computer system.
6. (original): The system of claim 1, wherein the metering mechanism is a standalone computer.
7. (original): The system of claim 1, wherein the metering mechanism is a part of a server coupled to the one or more hardware products.
8. (original): The system of claim 1, wherein one or more of the one or more hardware products comprise metering agents that collect the metrics data acquired by the metering mechanism:
9. (original): The system of claim 1, wherein the metering mechanism comprises a rules engine, and wherein rules in the rules engine are used to determine the data to report.
10. (original): The system of claim 1, wherein the metering mechanism comprises a polling engine, wherein the metering mechanism polls the one or more hardware products to acquire the metrics data.
11. (previously amended): The system of claim 1, wherein the one or more leased hardware products provide the metrics data on a periodic basis.
12. (original): The system of claim 1, wherein the operation is central processor unit (CPU) utilization.

13. (original): The system of claim 1, wherein the one or more hardware products are leased.

14. (original): The system of claim 1, wherein the metering mechanism is located at a first site, which is a same site as the one or more hardware products, and the usage repository is located at a second site remote from the first site.

15. (previously amended): The system of claim 14, wherein the first site and the second site are Internet Web sites.

16. (original): The system of claim 1, wherein the metering mechanism and the usage repository are located at a site remote from the one or more hardware products.

17. (cancelled):

18. (original): A method for pricing hardware on a pay-per-use basis, wherein one or more hardware products are coupled to a communications network, comprising:

acquiring, in a hardware device separate from the one or more hardware products, metrics data related to an operation of the one or more hardware products;

determining data to report based on the acquiring step;

sending the determined data to a usage repository;

generating a usage report; and

generating a pay-per-use invoice based on the usage report.

19. (original): A method for pricing hardware on a pay-per-use basis, wherein one or more hardware products are coupled to a communications network, comprising:

acquiring, in a hardware device separate from the one or more hardware products, metrics data related to an operation of the one or more hardware products;

determining data to report based on the acquiring step;

sending the determined data to a usage repository; and

receiving a pay-per-use invoice, wherein the pay-per-use invoice is based on the data sent to the usage repository.

20. (currently amended): A method for pricing hardware on a pay-per-use basis, wherein one or more hardware products are at a node coupled to a communications network, comprising:

receiving, at a usage repository, metrics data based on an operation of the one or more hardware products, wherein the metrics data are provided by a metering mechanism separate from the one or more hardware products;

determining data to report based on the metrics data;

generating a usage report based on the determined data;

generating a pay-per-use invoice based on the usage report; and

presenting the invoice to the node.

21. (original): The method of claim 20, further comprising receiving a payment on the invoice.

22. (original): The method of claim 20, wherein generating the usage report, comprises:

applying one or more rules to the metrics data, wherein application of the rules processes the metrics data into a data structure representing an operation of the one or more hardware products.

23. (original): The method of claim 22, wherein generating the pay-per-use invoice comprises comparing the usage reports to a pay-per-use pricing plan, wherein the pricing plan specifies a finance rate component based on the metrics data.

24. (original): The method of claim 23, wherein the finance rate component varies with variations in the metrics data.

25. (original): The method of claim 22, wherein the received metrics data is determined based on one or more supplied business rules.

26. (original): The method of claim 25, wherein the operation relates to central processor utilization over a given time interval, and wherein an applied business rules require reporting a peak utilization over the time interval.

27. (original): A method for pricing a hardware product based on operating data collected from the hardware product, comprising:

providing a metering mechanism, separate from the hardware product, wherein the metering mechanism obtains the operating data from the hardware product; and

providing the obtained operating data to a processing device, wherein usage data are calculated; and

generating a pay-per-use invoice based on the usage data and a pay-per-use pricing plan.

28. (original): The method of claim 27, further comprising providing the metering mechanism with a polling function, wherein the hardware product is polled to obtain the operating data.

29. (original): The method of claim 27, wherein the hardware product is leased, wherein the pay-per-use invoice is presented to a lessee of the hardware product.

30. (original): The method of claim 29, further comprising receiving an inquiry from the lessee.

31. (original): The method of claim of claim 29, further comprising providing means for displaying the usage data, and means for receiving payment on the invoice.

32. (original): The method of claim 27, further comprising:  
validating the obtained operating data;

verifying an approved configuration of the hardware product; and

saving the operating data.

33. (original): The method of claim 27, wherein the metering mechanism is provided at a first site, which is a same site as the hardware product, and wherein the processing device is provided at a second site remote from the first site.

34. (original): The method of claim 33, wherein the first site and the second site are Internet Web sites.

35. (original): The method of claim 27, wherein the metering mechanism and the processing device are provided at a site remote from the hardware product.

36. (original): The method of claim 35, wherein the site is an Internet Web site.

37. (original): A pay-per-use hardware financing plan, comprising:

providing a hardware product to a client at a client site;

providing a pay-per-use plan, the plan based on at least one metric acquired from the hardware product; and

providing the client site with a mechanism, separate from the hardware product, that acquires the at least one metric, and transmits the at least one metric to a location remote from the client site.

38. (original): The pay-per-use hardware financing plan of claim 37, wherein the mechanism polls the hardware product to obtain the at least one metric.

39. (original): The pay-per-use hardware financing plan of claim 37, further comprising:

generating a usage report based on the at least one metric;

computing a pay-per-use invoice based on the at least one metric; and

presenting the client with the pay-per-use invoice.

40. (original): The pay-per-use hardware financing plan of claim 39, further comprising making the usage report available to the client.

41. (original): The pay-per-use hardware financing plan of claim 27, wherein the at least one metric is transmitted to the remote site on a periodic basis.

42. (original): The pay-per-use hardware financing plan of claim 32, wherein the periodic basis is daily.

43. (original): The pay-per-use hardware financing plan of claim 27, wherein an initial configuration of the hardware product is stored at the remote location, and wherein the remote site:

validates the at least one metric; and  
verifies a current configuration of the hardware product matches the initial configuration.

44. (original): The pay-per-use hardware financing plan of claim 37, further comprising providing a software metering agent with the hardware product.

45. (original): A hardware pay-per-use system, comprising:  
means for receiving metrics data from the one or more hardware products;  
means, coupled to the receiving means, for computing usage and billing data from the received metrics data;  
means, coupled to the computing means, for generating an invoice based on the computed usage and billing data.

46. (original): The system of claim 45, wherein one or more hardware products are leased to a client for installation at a client site.

47. (original): The system of claim 46, wherein the client site is a site on a digital communications network.

48. (original): The system of claim 45, wherein the receiving means, comprises:  
means for validating the received metrics data;  
means for verifying a configuration of the one or more hardware products; and  
means for storing the metrics data and the configuration.

49. (original): The system of claim 45, further comprising:

means, coupled to the one or more hardware products, for obtaining the metrics data from the one or more hardware products, comprising:

means, installed in the one or more hardware products, for collecting the metrics data, and means, coupled to the collecting means, for acquiring the collected metrics data, wherein the acquiring means is a standalone hardware device separate from the hardware products.

50. (original): The system of claim 45, further comprising:

means, coupled to the generating means, for generating a usage report based on the received usage data; and

means for presenting the usage report to a client.

51. (original): The system of claim 45, further comprising

means for presenting the invoice to a client; and

means for receiving a payment from the client based on the invoice.

52. (original): The hardware pay-per-use system of claim 45, wherein at least one of the one or more hardware products includes bundled software, and wherein the means for generating the invoice includes means for pricing utilization of the bundled software based on hardware metrics data.

53. (original): A device for acquiring metrics data from hardware products in a hardware pay-per-use system, the device coupled to the hardware products, the device, comprising:

a rules engine comprising one or more business rules for acquiring the metrics data;

a processor coupled to the rules engine, wherein the processor controls operation of the device; and



a data acquisition engine coupled to the processor, the data acquisition engine comprising programming whereby the metrics data are acquired from the hardware products, the programming including a transport protocol and interface for transporting the metrics data from the hardware products to the device, and wherein the device is distinct from the hardware products.

54. (original): The device of claim 53, further comprising:

a communications engine, whereby the metrics data are encrypted, compressed and packaged for delivery to a remote location;

a display driver, whereby specified metrics data are provided for display; and

a database that stores the metrics data acquired by the device.

55. (original): The device of claim 53, wherein the processor, comprises:

means for testing a first transport mechanism from the hardware products to the device; and

means for testing a second transport mechanism from the device to a remote location.

56. (original): The device of claim 55, wherein the first and the second transport mechanisms include one or more of SNMP, WBEM, HTTP, HTTP/S and e-mail.

57. (original): The device of claim 55, wherein the means for testing the second transport mechanism includes uploading a test file from the device to the remote location.

58. (original): The device of claim 55, wherein the means for testing the first transport mechanism includes obtaining a known response from the hardware products.

59. (original): The device of claim 58, wherein the hardware products comprise metering agents, and wherein the known response is provided by the metering agents.

60. (original): The device of claim 53, wherein the metrics data are acquired by the device over the Internet.

61. (original): The device of claim 53, wherein the metrics data are acquired by the device over a digital data communications network.